

November 07, 2016

7:00 PM

PRESENT: Rusty Bridle, Chairman  
Jim Waddell, Vice-Chairman  
Rick Griffin, Selectman  
Phil Bean, Selectman  
Regina Barnes, Selectman  
Frederick Welch, Town Manager

SALUTE TO THE FLAG

I. Public Comment Period (6:20)

Charlie Preston: big tides coming up next week from Sunday-Thursday; will have flooding.

II. Announcements and Community Calendar

Selectman Barnes: get out and vote

Selectman Waddell: take the voting seriously and vote

Selectman Griffin: see you at the pools

Selectman Bean: Thursday, November 10, 2016 at the second deck of Galley Hatch is the United States Marine Corp Birthday Party

Chairman Bridle: Hampton Clock Committee invites everyone to the rededication ceremony of the Hampton Clock on Sunday, November 13, 2016 at 12:00. Remind people this Saturday morning the scouts will be collecting scouting for food donations; you can also bring any donations to the Town Clerks Office until November 18, 2016.

III. Consent Agenda (9:52)

1. Conservation Commission Request Permission to upload Wetland Permits Online GIS
2. Cancellation of Board of Selectmen's meeting of Thanksgiving week November 21

Selectman Waddell MOTIONED to MOVE the Consent Agenda SECONDED by Selectman Barnes.

VOTE: 5-0-0

IV. Approval of Minutes (10:12)

1. October 24, 2016
2. October 31, 2016 Non-Public Session Minutes (Two Sessions)

Selectman Bean MOTIONED to approve the Minutes of October 24, 2016 as submitted SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Barnes MOTIONED to approve the Minutes of October 31, 2016 Non-Public Minutes (2 Sessions) as submitted SECONDED by Selectman Griffin.

VOTE: 5-0-0

## V. Appointments (10:40)

### 1. Chief Ayotte, Fire Department

#### a. Representatives from the Portsmouth Hospital Community Center in Seabrook

Dean Carucci, CEO, Sheldon Barr, COO and Grant Turpin, Director of EMS

Mr. Carucci: have broken ground on the Seabrook ER Center, hoping to open center by July 1, 2017; will be open 24 hours a day 365 days a year; full CAT scan, ultrasound, will be staffed by ER physicians, ER nurses; lab draw, trauma bay, psyche safe room, pediatric dedicated triage area.

Selectman Barnes: it is going to be a smaller version of Portsmouth Hospital; is it only for emergencies? Mr. Carucci: will see anything from a scratch or bruise all the way up; if someone was having a heart attack would prefer that be transferred to the main unit, but will be able to deal with all stroke care, have neurology services; we can handle anything, but will be protocols that will be worked out.

Selectman Waddell: what kind of studies made you think it was necessary to have in this area?

Mr. Carucci: two main service lines; cardiac and having access; do see a lot of transfer come from Anna Jacques, so wanted to give people an access that was quicker; also neuro care; beach traffic; multitude of reasons.

Selectman Bean: very exciting news; incredible hospital in medical professionals; provide emergency platform close to us.

Selectman Griffin: think it is great people have this opportunity; are you anticipating a vehicle mishap on 95 coming there? Mr. Carucci: yes, we are able to handle everything; Chief Ayotte and Grant and our medical team will work out the ability to make a decision in the moment what goes to the hospital vs what should not, but be able to handle everything from A-Z.

Selectman Griffin: I see this as an asset to the Town.

Chairman Bridle: good to hear you are working with the Chief and the department here, as they will be making the decision on where to go, Seabrook or Portsmouth.

Chief Ayotte: they are one of very few hospitals in the State that are Level 2 Trauma Center's; we have been working together very well

Selectman Waddell: can you explain what Level 2 is? Mr. Carucci: there are four levels of trauma centers; one being the highest; the basic difference of level 1 is teaching; level 2 is you can handle anything that comes in your doors, so you have to have all the specialists on call; the only exclusion is burns and pediatrics.

Selectman Waddell: where would the next closest be? Mr. Carucci: Manchester, NH.

b. Departmental Update (20:25)

Chief Ayotte: there have been a few personnel changes; one failed complete his probation; hired two probationary firefighters to fill vacancies; one vacancy remains. Hampton Fire answered 3,943 calls for service from January 1, 2016-October 31, 2016. The breakdowns are as follows: 1,862 for fire, 2081 EMS, responded to 42 fires; administered Narcan 46 times this year. We train the community for CPR; fire prevention bureau performed 219 inspections; issued 159 permits, collected \$15,026 in fees. Fire Prevention week in October was very successful; brought message to 600 children. Hampton Fire Alarm has answered 24,339 phone calls this year, averaging 80 calls per day.

Selectman Barnes: thank the Fire Department on saving Hampton Beach for your rapid response for the fire at the Casino; how many firefighters are trained in EMS? Chief Ayotte: we all are trained in EMS; there are two levels: one is advanced emergency medical technical and the other is paramedic; 18 members who are paramedics; 12 practicing paramedics.

Selectman Waddell: thank you, good report; doing a lot of education is great; can you explain Narcan? Chief Ayotte: during an opiate overdose, we have Narcan on the ambulance and it is used as an antidote, which is designed to work against heroin.

Selectman Waddell: how do you know when to administer? Chief Ayotte: patient assessment, signs and symptoms that we look for.

Selectman Waddell: you talk about the number of calls going up; do you find less or more calls on fire? Chief Ayotte: about average within the last five years.

Selectman Griffin: thank you very much, you have done a great job explaining; administering the Narcan do you have anything that can go wrong. Chief Ayotte: yes, it comes with two different dosages; if you give, a full dose is the patient will vomit, we need to be prepared to open airway; there is potential for violence

Selectman Bean: thank you, can you speak to the rise in the revenue, the transition of the person responsible for that, how Stephanie is working out and what her role is; how the deputy is doing; technical proficiency that is required and delineated in your inspection breakdown from blasting to welding to LPG to oil tanks.

Chief Ayotte: I came before you requesting a new fee schedule, it was voted on then made a Town Ordinance, and we raised the fees for permitting; we also changed the fees on new construction. The Fire Prevention Secretary does a tremendous job, works extremely hard, she is on the phone, answering questions at the front window, sent letters to the 112 hotels/motels that we will be doing inspections on and logging their response; she was part of fire prevention week coordinating all; she keeps the books straight; maintains reporting.

Selectman Bean: congratulations on your leadership; explain the complexity of the skill set for blasting/welding/LPG/oil tanks. Chief Ayotte: the level of training has increased Fire Inspector 1 is 48-hour class, making sure emergency lights work, exits free and clear and doors work. Fire Inspector 2 plans review, which are very detailed, code compliant, assembly 50 persons or more, cooking hoods inspection, LPG installation of tanks and inspecting, oil tank removal, inspecting sprinklers and fire alarms, day care and foster care inspecting, blasting, welding has seriously increased/hot work permitting.

Selectman Bean: you have received almost 25,000 calls of service, which is an amazing amount of work; can you get together the calls made to State properties and the cost of Narcan.

Chairman Bridle: I attended your Fire Prevention Day and it was unbelievable to see the response, it was very well attended, and very well put on, your department did an excellent job.

Selectman Griffin: do you expect your department to be affected by the ADU new rules?  
Chief Ayotte: 1-2 family dwellings is not in our purview, but if it causes the height of the building to go beyond three stories or more than three units then we look at the sprinkler and fire alarms; it depends upon the breakdown per parcel.

Selectman Griffin: it is my understanding a lot of the Narcan has been paid for by grants, is that true.  
Chief Ayotte: no, we purchase very little in the way of medicine; medical supplies we purchase a lot; the regulated medicine we get is from the hospital; we purchase the unregulated medicine from supply companies; we have purchased epi-pen and have seen the prices rise and are hoping those costs come down.

2. Chris Jacobs, DPW Director & Jen Hale, Deputy DPW Director
  - a. 815 Ocean Blvd Sewer Easement Setback Relief – Frene`/Schuler, Attorney Phoenix & Peter Brown

Attorney Phoenix: wanted a two-car garage which was designed with living space over it; building was designed; received approval to build; dig safe; sewer line 10' on either side of line, which we do not have. Consider to build the building they want with approximately 6' on 1 side and 13' on the other.

Mr. Brown: been in business 37 years; identified where sewer line was; easements were done in the 70s; sewer line running 6' away from building is only 4' deep; footing for garage is also at 4'; the sewer line can be accessed, repaired or replaced.

Attorney Phoenix: there are areas where the Town has permitted lines to be less than in the center of 15' and less than 10' from building; Mr. Brown feels it is fully accessible; hopeful that Board and DPW feels comfortable with it.

Director Jacobs: no, we have always asked for 10' either side of an existing lot; there have been a number of new sewer lines in the last couple of years. This is an industry standard and technical standard we choose not to waive, if we do then where would we stop. The garage is 22' x 34', it could be shortened to 30' and still have the distance; or why don't they replace the line; re-lay a new sewer line at their expense, 10' from their back property line; why do the Town's technical requirements have to be relieved to allow someone to have a maximized use of their property. This is not just their sewer line, but also the property adjacent to them; we have other people at risk.

Selectman Griffin: the building itself is not encroaching on the neighbors. Director Jacobs: 13' from the back.

Selectman Griffin: do you have any input from the neighbors?  
Attorney Phoenix: the neighbor on that extension was in support of the variances; the back of our building is about 12' from the property line and another 13' to the depth of the building behind.

Selectman Griffin: you have not said that the neighbors are in support of this.  
Attorney Phoenix: I suspect he would not object, because he did not object to the building.

Selectman Griffin: I would possibly feel different about it if I knew you had permission of the neighbor. Attorney Phoenix: are there written standards somewhere that say in our Town it is 10' on either side of the line.

Selectman Bean: the deed it States that the grantee agrees...ordinances, laws and regulations of the Town; is there a specific ordinance, law or regulation that prohibits or restricts the builders intent this evening. Director Jacobs: no.

Selectman Bean: they are complying with the deed; there are no ordinances, laws or regulations.

Attorney Phoenix: I respect and appreciate the Director's comments, but I have several plans here where there are sewer lines and easements running under buildings in Hampton; we have not heard this is not doable and continue to ask for your support.

Selectman Griffin: how many people are on this line? Director Jacobs: three others. Selectman Griffin: I am concerned about the other users.

Selectman Barnes: I agree with Rick, we need to talk with the other users.

Town Manager Welch: when you are finished with the construction, how close will be the closest portion of the building to the property line. Attorney Phoenix: 12.3'; 5.6' from the line to the drip edge of the building.

Town Manager Welch: you have to be 7' from the property line according to your conveyance on that property. Attorney Phoenix: we are 7' all the way around the building.

Town Manager Welch: the drip line is the edge of the structure. Attorney Phoenix: 12.3' away.

Town Manager Welch: you just said you were less than 7' away. Attorney Phoenix: from the line, did not clarify which line, the sewer line is not on the property line, it is roughly halfway between the property line and the building.

Town Manager Welch: from the drip edge of the building to the property line is how far? Attorney Phoenix: in the rear, it is 12.9' and on the sides, it is 7.4'.

Town Manager Welch: you are within the conveyance.

Selectman Waddell: I would like to hear from Toby and Jen.

Selectman Griffin: I would suggest they withdraw and come back with more information from the other people that are affected from the sewer line.

Ms. Hale: this is new construction, so we are trying to watch out, be sure that we can have safe access; the sand moves; it is the Town sewer line, we need to make sure we can get to it to repair or replace if we have to.

Toby Spainhower: that pipe would be just below their footing; 6' from the building to the pipe; the sand and potential water table, it is not enough room for me to guarantee we can safely repair that pipe

Chairman Bridle: have they looked into moving the pipe over. Attorney Phoenix: they did, but we were directed here; we thought this was a reasonable position to take and a reasonable request to make; we could look at the other options, but would like to explore if the neighbors who would be affected by it would object and put off until the next meeting

Selectman Waddell: I do not see where the neighbors come into it; it is a sewer line if it needs to be repaired, it has to be done. My point would be if the Public Works feels they need that much room, they feel for safety; it is a new building; reducing the size of the building; could it still be used as a 2-car garage, is that going to be a problem in doing that. There may not be an ordinance, may not be a law, but it is a safety issue. Attorney Phoenix: if the neighbors do not have an issue with that and are okay with the access of digging be more difficult

Selectman Waddell: but the neighbors are not doing the digging, the DPW is, if the neighbors want to repair everything and replace the pipe that is different; I think we have to look at the DPW and say what you feel the safety concerns are, so my feeling is I have to go with the DPW

Selectman Griffin MOTIONED to postpone for one-week to get input from the neighbors SECONDED by Selectman Bean.

VOTE: 4-1(Waddell)-0

Selectman Bean: we are a Town of laws and ordinances founded on property rights, which would come under deeds; I would like the Town Attorney to articulate that there are no ordinances or regulations on this quitclaim deed; it is legal, valid and enforceable and there could be litigation. There is no specific width Stated in the quitclaim deed and would like to re-enforced by the Town counsel, neighborly. We are growing and people want to come into Hampton and build a beautiful home; respect the Public Works opinion; have construction background and spent much more restricted, dangerous in much tighter places; have a lot of confidence in current technology; this can be done safely; be done in the best interest of the property owner and the Town.

Attorney Phoenix: we do respect the job the DPW do and their position.

Director Jacobs: the Brown Avenue tide gate is back in service; things are great.

#### VI. Town Manager's Report (1:24:32)

1. The Department of Public Works has completed temporary repairs to the Ann's Lane roadway in preparation for the coming winter.
2. The Army Corps of Engineers have completed their work in rebuilding the breakwater on the north side of the Hampton River where it meets the Atlantic. They withdrew their equipment about a week ago.
3. Please begin your preparations for the storage of your motor vehicle off of the streets from 1AM to 7AM starting November 15th through the following March 15th.
4. Petitioned zoning articles may be submitted starting Monday November 14th until 5 PM December 14th. Petitions to be presented to the Selectmen's Office.
5. Petitioned article for all other matters maybe submitted until 5 PM January 10, 2017.
6. DPW Transfer Station will not be open November 11, 2016, hope to see everyone uptown or at the beach for the Veterans Day Ceremonies.
7. We have a request from Mr. & Mrs. Plouffe the work has been completed at the end of Leavitt Road; would like a street light on pole #88; ordinance forbidding parking.
8. There will be a ceremony on Sunday, November 13, 2016 at 12:00 for the dedication of the Town Clock.

Last week a motion was made by Selectman Waddell to add 2% for raises in the 2017 Recreation Budget, Seconded by Selectman Bean, the Board did not vote on that, however, did vote to add it to the bottom line. Since the motion was made, the Board should approve the motion by a vote.

The Board took the vote.

VOTE: 5-0-0

Selectman Waddell: I noticed some emails on the Town parking lot about a boat and trailer. Town Manager Welch: the boat floated away apparently; however, there are about a dozen unlicensed or unregistered motor vehicles sitting in the parking lot, some used for storage, some have plates there are two years old; no inspection stickers; two vehicles in violation of the Town ordinance. Have asked the police to check the vehicles out to make sure they are okay to be there; if they are in violation have the owners remove them or come into compliance.

Selectman Griffin: there is a property that is on 9<sup>th</sup> Street and appears a multiple dwelling apartments on lot, the people have their garbage cans adjacent to a fence, one sits on the road, and they have encroached on the Town right-of-way. Neighbor has put a 4' fence to try to cover the garbage cans, due to being unsightly. Is there something that can be done, is it too late asking the zoning Board to do something about it? Town Manager Welch: the requirement the fence be 3' in height is in the conveyance of the property and would take an action of Town Meeting.

Selectman Griffin: is it possible to have someone put a petition together. Town Manager Welch: could be, would not be a zoning petition; would be a petition to amend the conveyance contained within the various deeds issued by the Town, to allow solid fences at least 4' in height to hide refuse cans on the property. There are other issues in that general area is the properties that have swimming pools are required to have fences that are in excess of the ordinance, so if we amend one then amend both issues. The Selectmen can put a warrant article in to allow for enclosures 4' in height to hold refuse barrels and 4' in height to comply with the ordinances and the laws regarding the fencing of swimming pool.

Selectman Griffin: do I need to make a motion to ask that right now? Town Manager Welch: no, we will just go ahead, draft something, and bring it back to you.

Selectman Griffin: okay with the Board, so this will go on the ballot this year.

Chairman Bridle: on Leavitt Road there is a light on the pole, but is not working, did we ask to have it shut off. Town Manager Welch: no, we need to find out if the light is working, if the fixture is defective, we should not pay; people should know if there is a light out on your street please report to Unitil and the Town; maybe they can put an LED fixture in and get a discount.

Chairman Bridle: we used to have a Town employee to oil the clock weekly; Dave Hansberry has shown interest in being the oiler, but does not live in the Town.

Selectman Griffin MOTIONED to make Dave Hansberry the Town Clock Oiler, SECONDED by Selectman Waddell.

VOTE: 5-0-0

VII. Old Business (1:38:02)

Selectman Waddell: would like to see a historical data search on where we are with raises, salary positions in different departments and would like a sub-committee set up to do that.

Chairman Bridle: that is a great idea that we have talked about before, Jim would you like to be on it. Selectman Waddell: yes, I would like to be on it.

Chairman Bridle: Regina, would you like to be on it. Selectman Barnes: yes, I would like to be on it with Jim.

Chairman Bridle: they can bring it back to us for the full membership discussion, but they will be the ones to collect the information and if you have any ideas on what you would like to see in that

Selectman Bean: limit it to those two only.

Chairman Bridle: do you want the Assistant Town Manager involved? Selectman Bean: he is the personnel director, so they will work with him anyways.

Chairman Bridle: I think two is good, but three makes a meeting.

Selectman Waddell MOTIONED to elect himself and Selectman Barnes to a sub-committee looking into a historical data research on salaries, raises, and positions within the Town SECONDED by Selectman Barnes.

VOTE: 5-0-0

Selectman Griffin: Chris Sununu mentioned that Foss Manufacturing is looking to leave NH  
Town Manager Welch: so far, they have not told us

VIII. New Business (1:40:30)

1. Selectmen's Election Poll Coverage Schedule

Chairman Bridle and Selectman Barnes will be there at 7:00AM; Selectman Waddell will be there at 8:30AM and stay until 4:00PM; Selectman Griffin be there at 1:00-8:00; need 3-4 to sign and could be late night

2. Lease Land: 33-35 Dover Avenue (1:43:40)

a. Termination of Lease

Attorney Gearreald: this is a sale of lease land, the buyers are the current tenants; when they are buying this we need to clean up the title by terminating the current lease and execution of deed to the property and allow the Town Manager to sign the HUD settlement Statement.

Selectman Bean MOTIONED to APPROVE the termination of the lease for 33-35 Dover Avenue, APPROVE Deed and Authorize Town Manager to sign HUD Settlement Statement SECONDED by Selectman Waddell.

VOTE: 5-0-0

3. Perambulation of Town Lines (1:44:43)

a. Exeter, Stratham, North Hampton, & Hampton Falls

Town Manager Welch: they are the four that fall into the seven-year cycle in 2017; document prepared describing what needs to be done, and a letter for the Chair to sign to the Selectmen of the respective Towns; we are oldest Town of the group

The Chair will do the perambulation with assistance from the Town Manager and Selectman Barnes would like to go along

Selectman Waddell MOTIONED to APPROVE Perambulation of Town Lines for Exeter, Stratham, North Hampton, & Hampton Falls SECONDED by Selectman Barnes.

VOTE: 5-0-0

4. Acceptance of Salt Marsh Parcel Map 998, Lot 281 (1:47:00)

Attorney Gearreald: another parcel to be donated to the Hampton Conservation Commission; the Commission has voted to accept, but subject to Selectmen's approval under RSA 36A:4

Selectman Bean MOTIONED to APPROVE the acceptance of Salt Marsh Parcel Map 998, Lot 281 SECONDED by Selectman Barnes.

VOTE: 5-0-0

IX. Closing Comments (1:47:50)

Chairman Bridle: would like everyone to get out and vote, be patient and be kind

X. Adjournment (1:48:30)

At the conclusion of the Selectmen's Public Session at about 8:48 PM, a motion was made by Chairman Bridle, seconded by Selectman Waddell, to recess the public session and to go into a non-public session under RSA 91-A:3, II (e) [ Litigation]. A roll call vote was taken with all in favor (5-0).

Also Present: Town Manager Frederick Welch, Assistant Town Manager Jamie Sullivan, Town Attorney Mark Gearreald

Town Attorney Gearreald explained the status of the Fairpoint proceedings before the Public Utilities Commission concerning the licensing of infrastructure crossing public waters, and how the PUC in its Order of October 28, 2016 had modified its problematic Order to remove the crossing across Tide Mill Creek in Hampton, the only part of the case pertaining to Hampton. The consensus of the Board was to not seek reconsideration or appeal from this Order where the other questionable parts of the Order no longer affect Hampton.

The non-meeting adjourned to the public session at 8:53 PM on motion made by Selectman Waddell, seconded by Selectman Bean, which passed unanimously (5-0). These minutes are not to be sealed.

The Board adjourned its public session at 8:53 PM on motion made by Selectman Waddell, seconded by Selectman Griffin, which passed unanimously (5-0).

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Chairman